

House Bill 79

By: Representative Willard of the 51st

A BILL TO BE ENTITLED
AN ACT

1 To amend the Official Code of Georgia Annotated, so as to revise, modernize, and correct
2 errors or omissions in said Code in furtherance of the work of the Code Revision
3 Commission; to repeal portions of said Code, or Acts in amendment thereof, which have
4 become obsolete, have been declared to be unconstitutional, or have been preempted or
5 superseded by subsequent laws; to reenact the statutory portions of said Code, as amended;
6 to provide for other matters relating to revision and reenactment of said Code; to provide for
7 effect in event of conflicts; to provide for effective dates; to repeal conflicting laws; and for
8 other purposes.

9 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

10 SECTION 1.
11 Reserved.

12 SECTION 2.
13 Reserved.

14 SECTION 3.
15 Title 3 of the Official Code of Georgia Annotated, relating to alcoholic beverages, is
16 amended in:
17 (1) Code Section 3-8-5, which is repealed, by designating said Code section as reserved.

18 SECTION 4.
19 Title 4 of the Official Code of Georgia Annotated, relating to animals, is amended in:
20 (1) Code Section 4-4-83, relating to quarantines, rules and regulations for disease control,
21 and confiscation, destruction, or disposal of diseased poultry, eggs, chicks, or stock, by
22 replacing "Secretary of Agriculture of the United States." with "secretary of agriculture of
23 the United States." in subsection (b).

(2) Code Section 4-4-149, relating to cooperation among state and federal agencies regarding swine mycobacteriosis indemnification, by replacing "The State Department of Agriculture" with "The department".

(3) Code Section 4-11-2, relating to definitions regarding general provisions under the "Georgia Animal Protection Act," by replacing "'Secretary of Agriculture'" with "'Secretary of agriculture'" in paragraph (8).

(4) Code Section 4-11-12, relating to cooperation with federal government regarding general provisions of animal protection, by replacing "United States Secretary of Agriculture" and "Secretary of Agriculture" with "secretary of agriculture" each time those terms appear.

(5) Code Section 4-12-2, relating to definitions regarding injuries from equine or llama activities, by replacing "including, but not limited to, llama clubs, 4-H clubs, hunt clubs, riding clubs, school and college-sponsored classes, programs, and activities, therapeutic riding programs," with "including but not limited to llama clubs; 4-H clubs; hunt clubs; riding clubs; school and college sponsored classes, programs, and activities; therapeutic riding programs;" in paragraph (10).

SECTION 5.

Title 5 of the Official Code of Georgia Annotated, relating to appeal and error, is amended in:

(1) Code Section 5-5-25, relating to a new trial on other grounds, by replacing "on other grounds, not provided for" with "on other grounds not provided for".

(2) Code Section 5-7-1, relating to orders, decisions, or judgments appealable, and a defendant's right to cross appeal regarding appeal or certiorari by the state in criminal cases, by replacing "the Court of Appeals of Georgia and the Supreme Court of Georgia" with "the Court of Appeals and the Supreme Court" in the introductory language of subsection (a).

SECTION 6.

Reserved.

SECTION 7.

Title 7 of the Official Code of Georgia Annotated, relating to banking and finance, is amended in:

(1) Code Section 7-1-1018, relating to ceasing and desist orders, enforcement procedure, civil penalties, and fines regarding licensing of mortgage lenders and mortgage brokers, by replacing "an unlicensed person that orders them to cease" with "an unlicensed person that orders such person to cease" in subsection (a).

SECTION 8.

Reserved.

SECTION 9.

Title 9 of the Official Code of Georgia Annotated, relating to civil practice, is amended in:

(1) Code Section 9-9-2, relating to the Georgia Arbitration Code applicability and exclusive method, by inserting "or" at the end of paragraph (9) of subsection (c).

(2) Code Section 9-11-133, relating to forms meeting requirements for civil case filing and disposition, by replacing in the form "IF TORT IS CASE TYPE:" with "IF TORT, IS CASE TYPE:" in subsection (b) and by replacing in the form "Have the parties reached a custodial agreement" with "Have the parties reached a custodial agreement?" in subsection (c).

SECTION 10.

Reserved.

SECTION 11.

Title 11 of the Official Code of Georgia Annotated, relating to the commercial code, is amended in:

(1) Code Section 11-2A-103, relating to definitions and index of definitions regarding the "Uniform Commercial Code - Leases" by replacing "pre-existing" with "preexisting" in paragraphs (a) and (o) of subsection (1).

SECTION 12.

Title 12 of the Official Code of Georgia Annotated, relating to conservation and natural resources, is amended in:

(1) Part 5 of Article 7 of Chapter 3, which is repealed, by designating said part as reserved.

(2) Part 3 of Article 4 of Chapter 5, which is repealed, by designating said part as reserved.

(3) Code Section 12-8-106, relating to criteria for participants in voluntary remediation programs regarding hazardous waste under the "Georgia Voluntary Remediation Program Act," by replacing "judgement" with "judgment" in paragraph (2).

(4) Code Section 12-13-3, relating to definitions regarding underground storage tanks, by replacing "the Comprehensive Environmental Response, Compensation and Liability Act of 1980," with "the Comprehensive Environmental Response, Compensation, and Liability Act of 1980," in paragraph (14).

(5) Code Section 12-13-9, relating to establishing financial responsibility, claims against a guarantor, and the Underground Storage Tank Trust Fund, by replacing "the Comprehensive Environmental Response, Compensation and Liability Act of 1980," with "the

90 Comprehensive Environmental Response, Compensation, and Liability Act of 1980," in
91 subsection (e).

92 **SECTION 13.**

93 Reserved.

94 **SECTION 14.**

95 Reserved.

96 **SECTION 15.**

97 Title 15 of the Official Code of Georgia Annotated, relating to courts, is amended in:

98 (1) Code Section 15-6-95, relating to priorities of distribution of fines, forfeitures,
99 surcharges, additional fees, and costs in cases of partial payments into the court, by replacing
100 "Code Section 15-11-149;" with "Code Section 15-21-149;" in paragraph (12).

101 (2) Code Section 15-11-172, relating to the creation, duties, and authority of the Office of
102 the Child Advocate for the Protection of Children, by replacing "and child welfare, as
103 needed" with "and child welfare as needed" in subsection (e) and by deleting subsection (g).

104 (3) Code Section 15-12-11, relating to appointment of jury clerk and other personnel, juror
105 questionnaires, and construction with other laws, by replacing "post-conviction" with
106 "postconviction" in subsection (c).

107 (4) Code Section 15-16-26, relating to investigation of charges against sheriff, suspension,
108 additional investigations, assumption of sheriff's duties, and indictment for felony, by
109 deleting "and Code Section 15-16-26" from subsection (c).

110 (5) Code Section 15-18-70.1, relating to an acting solicitor-general in the event of death or
111 resignation regarding state courts, by replacing "provided for acting solicitor-generals" with
112 "provided for acting solicitors-general" in subsection (a).

113 (6) Code Section 15-18-92, relating to criteria for appointment and consent regarding the
114 prosecuting attorney of a municipal court, by replacing "subsection (b) of 15-18-72," with
115 "subsection (b) of Code Section 15-18-72," in subsection (b).

116 **SECTION 16.**

117 Title 16 of the Official Code of Georgia Annotated, relating to crimes and offenses, is
118 amended in:

119 (1) Code Section 16-12-31, which is repealed, by designating said Code section as reserved.

120 (2) Code Section 16-12-84, which is repealed, by designating said Code section as reserved.

(3) Code Section 16-13-25, relating to Schedule I controlled substances, by inserting a beginning bracket between the subparagraph (K) designation and the "2" in subparagraph (K) of paragraph (12).

(4) Code Section 16-13-30, relating to the purchase, possession, manufacture, distribution, or sale of controlled substances or marijuana and penalties, as effective July 1, 2013, through June 30, 2014, by replacing "at lease two milliliters" with "at least two milliliters" in paragraph (2) of subsection (e) and by replacing "varient" with "variant" in subsection (m).

(5) Code Section 16-13-30, relating to the purchase, possession, manufacture, distribution, or sale of controlled substances or marijuana and penalties, as effective July 1, 2014, by replacing "at lease two milliliters" with "at least two milliliters" in paragraph (2) of subsection (e) and subparagraph (l)(1)(B) and by replacing "varient" with "variant" in subsection (m).

SECTION 17.

Title 17 of the Official Code of Georgia Annotated, relating to criminal procedure, is amended in:

(1) Code Section 17-7-131, relating to proceedings upon a plea of insanity or mental incompetency at the time of the crime, by replacing "Code Section 16-3-2 or Code Section 16-3-3." with "Code Section 16-3-2 or 16-3-3." in paragraph (1) of subsection (a).

(2) Code Section 17-10-1, relating to the fixing of a sentence, suspension or probation of a sentence, change in a sentence, eligibility for parole, prohibited modifications, and exceptions, by replacing "under the 'Georgia Street Gang Terrorism and Prevention Act,'" with "under Chapter 15 of Title 16, the 'Georgia Street Gang Terrorism and Prevention Act,'" in paragraph (2) of subsection (a).

(3) Code Section 17-12-20, relating to public defender selection panel for each circuit, appointment of public defender, removal, and vacancies, by replacing "resolution seeking review of their findings" with "resolution seeking review of its findings" in subsection (d).

SECTION 18.

Reserved.

SECTION 19.

Title 19 of the Official Code of Georgia Annotated, relating to domestic relations, is amended in:

(1) Code Section 19-7-5, relating to reporting of child abuse, when mandated or authorized, content of report, to whom made, immunity from liability, report based upon privileged

154 communication, and penalty for failure to report, by replacing "Chapter 24" with "Chapter
155 26" in subparagraph (c)(1)(F).

156 **SECTION 20.**

157 Title 20 of the Official Code of Georgia Annotated, relating to education, is amended in:

158 (1) Code Section 20-2-103, relating to the oath of the local school superintendent, by
159 replacing in the oath "Typed name of member of _____local school
160 superintendent" with "Typed name of local school superintendent" near the end.

161 (2) Code Section 20-2-255, which is repealed, by designating said Code section as reserved.

162 (3) Code Section 20-2-307, relating to youth camps and food-processing and young farmers
163 programs, by replacing "described in this subsection" with "described in this Code section".

164 (4) Code Section 20-2-311, which is repealed, by designating said Code section as reserved.

165 (5) Code Section 20-2-319.3, relating to the online clearinghouse of interactive distance
166 learning courses, by replacing "'Online Clearinghouse Act.'" with "'Online Clearing-house
167 Act.'" in subsection (a), by replacing "'Clearinghouse'" with "'Clearing-house'" in paragraph
168 (2) of subsection (b), by replacing "clearinghouse" with "clearing-house" each time the term
169 appears throughout said Code section, and by replacing "computer-based" with "computer
170 based" in paragraph (1) of subsection (c) and subsection (i).

171 (6) Code Section 20-2-411, relating to public school fund kept separate, use of funds,
172 separation of school taxes, and investments, by replacing "Comptroller General" with
173 "comptroller general".

174 (7) Chapter 7, which is repealed, by designating said chapter as reserved.

175 **SECTION 21.**

176 Reserved.

177 **SECTION 22.**

178 Title 22 of the Official Code of Georgia Annotated, relating to eminent domain, is amended
179 in:

180 (1) Code Section 22-1-9, relating to policies and practices guiding exercise of eminent
181 domain, by replacing "real property the condemning authority" with "real property, the
182 condemning authority" and "he or she established" with "it established" in paragraph (3).

183 **SECTION 23.**

184 Title 23 of the Official Code of Georgia Annotated, relating to equity, is amended in:

(1) Code Section 23-3-120, relating to definitions regarding taxpayer protection against false claims, by replacing "MARTA." with "the Metropolitan Atlanta Rapid Transit Authority." at the end of paragraph (3).

(2) Code Section 23-3-122, relating to investigations by the Attorney General, civil actions authorized, intervention by government, limitation on participating in litigation, stay of discovery, alternative remedies; division of recovery, and limitations regarding taxpayer protection against false claims, by replacing "public; provided" with "public, provided" in subparagraph (j)(3)(B).

SECTION 24.

Title 24 of the Official Code of Georgia Annotated, relating to evidence, is amended in:

(1) Code Section 24-4-411, relating to liability insurance, by replacing "Code Section 46-7-12" with "Code Section 40-1-112".

(2) Code Section 24-4-416, relating to statements of sympathy in medical malpractice cases, by replacing "comprised of" with "composed of" in subsection (a).

(3) Code Section 24-12-1, relating to when medical information may be released by a physician, hospital, health care facility, or pharmacist, immunity from liability, waiver of privilege, and psychiatrists and hospitals excepted, by replacing "Department of Community Health," with "Department of Public Health," in subsection (a).

SECTION 25.

Title 25 of the Official Code of Georgia Annotated, relating to fire protection and safety, is amended in:

(1) Code Section 25-2-11, which is repealed, by designating said Code section as reserved.

(2) Code Section 25-2-21, which is repealed, by designating said Code section as reserved.

(3) Code Section 25-14-5, relating to the required marking of cigarettes, by replacing "universal product code" with "Universal Product Code" each time the term appears in paragraph (1) of subsection (a) and paragraph (2) of subsection (d).

(4) Code Section 25-15-1, relating to the Office of Safety Fire Commissioner to be successor to the Department of Labor relating to transferred functions, transfer of employees, and Safety Fire Commissioner to report on effects and results of this Code section, by replacing "and thereby under the State Personnel Administration and who are transferred to the office shall retain all existing rights under the State Personnel Administration." with "and who are transferred to the office shall retain all existing rights under such rules." in subsection (d).

(5) Code Section 25-15-28, relating to appeals regarding regulation of boilers and pressure vessels, by replacing "the office of State Administrative Hearings," with "the Office of State Administrative Hearings," in subsection (a).

220 **SECTION 26.**

221 Title 26 of the Official Code of Georgia Annotated, relating to food, drugs, and cosmetics,
222 is amended in:

223 (1) Code Section 26-4-28, relating to the powers, duties, and authority of the State Board of
224 Pharmacy, by replacing "the Georgia Department of Medical Assistance," with "the
225 Department of Community Health," in paragraph (19) of subsection (a).

226 (2) Code Section 26-4-29, relating to the Georgia Drugs and Narcotics Agency, continuance,
227 appointment, requirements, and duties of director, power to make arrests, report of violations
228 of drug laws, and dangerous drug list, by replacing "in said office" with "in such office" in
229 the introductory language of subsection (b), by replacing "of the said establishments" with
230 "of such establishments" in paragraph (4) of subsection (b), and by replacing "the board can
231 instruct" with "the board may instruct" in subsection (d).

232 (3) Code Section 26-4-80, relating to dispensing, electronically transmitted drug orders,
233 refills, and Schedule II controlled substance prescriptions, by replacing "the said
234 transmission," with "such transmission," in paragraph (5) of subsection (c), by replacing
235 "pharmacist that transmits," with "pharmacist who transmits," in paragraph (6) of
236 subsection (c), and by replacing "care givers" with "caregivers" in subparagraph (c)(7)(C).

237 (4) Code Section 26-4-201, relating to definitions regarding the "Prescription Medication
238 Integrity Act," by replacing "third party logistics provider." with "third-party logistics
239 provider." in paragraph (4), by deleting "('FDA') and "FDA" in paragraph (11), and by
240 replacing "the federal Food, Drug and Cosmetic Act ('FFDCA')." with "the Federal Food,
241 Drug, and Cosmetic Act." in paragraph (17).

242 **SECTION 27.**

243 Title 27 of the Official Code of Georgia Annotated, relating to game and fish, is amended in:

244 (1) Code Section 27-1-15, which is repealed, by designating said Code section as reserved.

245 (2) Code Section 27-1-26, which is repealed, by designating said Code section as reserved.

246 (3) Code Section 27-2-30, relating to establishment of the Wildlife Endowment Fund and
247 limitations on expenditures from the fund, by replacing "lifetime sportsman license" with
248 "lifetime sportsman's license" in subsection (a) and by replacing "lifetime sportsman license"
249 with "lifetime sportsman's license" and "lifetime sportsman licenses" with "lifetime
250 sportsman's licenses" in subsection (b).

251 (4) Code Section 27-3-5, which is repealed, by designating said Code section as reserved.

252 (5) Code Section 27-3-11, which is repealed, by designating said Code section as reserved.

253 **SECTION 28.**

254 Title 28 of the Official Code of Georgia Annotated, relating to the General Assembly, is
255 amended in:

256 (1) Code Section 28-4-6, relating to employment, powers, and duties of the legislative fiscal
257 officer employed by the Legislative Services Committee, by replacing "Comptroller
258 General." with "comptroller general." in subsection (a).

259 **SECTION 29.**

260 Title 29 of the Official Code of Georgia Annotated, relating to guardian and ward, is
261 amended in:

262 (1) Code Section 29-3-32, relating to the investment of estate funds regarding property
263 obligations of conservators of minors, by repealing and reserving paragraph (9), which refers
264 to repealed statutory provisions, and by replacing the period with a semicolon at the end of
265 paragraph (12).

266 (2) Code Section 29-5-32, relating to investment of estate funds by conservator, by repealing
267 and reserving paragraph (9), which refers to repealed statutory provisions.

268 **SECTION 30.**

269 Reserved.

270 **SECTION 31.**

271 Title 31 of the Official Code of Georgia Annotated, relating to health, is amended in:

272 (1) Code Section 31-11-51, relating to certification and recertification of emergency medical
273 technicians, rules and regulations, and use of conviction data in licensing decisions, by
274 replacing "requirements of this paragraph" with "requirements of this subsection" in
275 subsection (d).

276 **SECTION 32.**

277 Reserved.

278 **SECTION 33.**

279 Title 33 of the Official Code of Georgia Annotated, relating to insurance, is amended in:

280 (1) Code Section 33-15-123, relating to exempt societies, orders, or associations regarding
281 miscellaneous provisions of fraternal benefit societies, by replacing "descendents" with
282 "descendants" in paragraph (3) of subsection (a).

283 (2) Code Section 33-20A-3, relating to definitions regarding patient protection relative to
284 managed health care plans, by replacing "pursuant to paragraph (1) or (2) of subsection (a)
285 of Code Section 43-5-8," with "pursuant to Code Section 43-5-8," in paragraph (6).

286 (3) Code Section 33-23-12, relating to limited licenses regarding insurance agents, agencies,
287 subagents, counselors, and adjusters, by replacing "60 days notice" with "60 days' notice" in
288 subparagraph (d)(15)(A) and by replacing "15 days notice" with "15 days' notice" in
289 subparagraph (d)(15)(C).

290 (4) Code Section 33-23-102, relating to bond and surety of applicant, liability insurance, and
291 remained licenses regarding the insurance licencing of administrators, by replacing "liability
292 on the bond shall be established" with "liability on the bond, shall be established" in
293 subsection (a) and by replacing "or the license has been terminated." with "or otherwise
294 terminated its license." in subsection (e).

295 (5) Code Section 33-24-27.2, relating to provisions for reimbursement for services within
296 the lawful scope of practice of athletic trainers, by replacing "pursuant to paragraph (1) or (2)
297 of subsection (a) of Code Section 43-5-8" with "pursuant to Code Section 43-5-8" twice in
298 subsection (a).

299 (6) Code Section 33-27-2, relating to extensions of policy coverage to dependents of
300 employees or members regarding group life insurance, by replacing "family members
301 evidence of insurability" with "family members' evidence of insurability" in paragraph (1)
302 of subsection (a).

303 (7) Code Section 33-29A-20, relating to definitions regarding the Commission on the
304 Georgia Health Insurance Risk Pool, by replacing "federal Health Coverage Tax Credits."
305 with "federal health coverage tax credits." in paragraph (8) of subsection (a).

306 (8) Code Section 33-29A-21, relating to creation, membership, duties, and functions of the
307 Commission on the Georgia Health Insurance Risk Pool, by replacing "federal Health
308 Coverage Tax Credits." with "federal health coverage tax credits." in subsection (a).

309 (9) Code Section 33-29A-22, relating to recommendations and reports and powers regarding
310 the Commission on the Georgia Health Insurance Risk Pool, by replacing "individual market
311 and premiums paid" with "individual market, and premiums paid" in paragraph (1) of
312 subsection (a), by replacing "cost effective" with "cost-effective" in paragraph (3) of
313 subsection (b), and by replacing "start up funds" with "start-up funds" and "federal Health
314 Coverage Tax Credits." with "federal health coverage tax credits." in subsection (c).

315 (10) Code Section 33-31-9, relating to premiums and refunds and credits regarding credit
316 life insurance and credit accident and sickness insurance, by replacing "May 2, 2005 shall
317 provide" with "May 2, 2005, shall provide" in subsection (c.1).

318 (11) Code Section 33-34A-2, relating to definitions regarding vehicle protection product
319 warranties, by replacing "the Department of Insurance." with "the Insurance Department."
320 in paragraph (2).

321 (12) Code Section 33-36-3, relating to definitions regarding the Georgia Insurers Insolvency
322 Pool, by replacing "first party claim" with "first-party claim", "third party claim" with
323 "third-party claim", and "third party claims" with "third-party claims" in subparagraph (G)
324 of paragraph (4); by replacing "first party claims" with "first-party claims" in
325 subparagraph (H) of paragraph (4); and by replacing "any vendor, lessor, or any other party"
326 with "any vendor, any lessor, or any other party" in paragraph (7).

327 (13) Code Section 33-36-7.1, relating to a surcharge on premiums to recoup assessments,
328 disclosure to insureds, and excess surcharges, exception where the expense of collection
329 would exceed the amount of the surcharge regarding the Georgia Insurers Insolvency Pool,
330 by replacing "collectible" with "collectable" in subsection (c).

331 (14) Code Section 33-36-9, relating to coverage afforded by insolvent insurers to become
332 obligation pool and investigation and settlement of claims by pool, by replacing "first party
333 claim" with "first-party claim" and "third party claim" with "third-party claim".

334 (15) Code Section 33-36-11, relating to limitation for filing claims, claims filed after final
335 date set by the court, and default judgments, by replacing "(i)" with "(1)" and "(ii)" with "(2)"
336 in subsection (a).

337 (16) Code Section 33-51-2, relating to legislative intent regarding the Georgia Affordable
338 HSA Eligible High Deductible Health Plan, by replacing "preventative" with "preventive"
339 in paragraph (3).

340 (17) Code Section 33-60-3, relating to definitions regarding the "Small Business Employee
341 Choice of Benefits Health Insurance Plan Act," by replacing "pap smears," with "Pap
342 smears," in subparagraph (C) of paragraph (1).

343 **SECTION 34.**

344 Reserved.

345 **SECTION 35.**

346 Title 35 of the Official Code of Georgia Annotated, relating to law enforcement officers and
347 agencies, is amended in:

348 (1) Code Section 35-3-163, relating to the dissemination of information in a data bank to law
349 enforcement officials, comparison of profile, request for search, separate statistical data base
350 authorized, and fee for search and comparative analysis, by replacing "comprised of DNA"
351 with "composed of DNA" in subsection (e).

352 (2) Code Section 35-8-14, which is repealed, by designating said Code section as reserved.

SECTION 36.

Title 36 of the Official Code of Georgia Annotated, relating to local government, is amended in:

(1) Code Section 36-5-24, relating to definitions and compensation of members of county governing authorities, by replacing "for the county" with "of the county" in paragraph (2) of subsection (b).

(2) Code Section 36-44-3, relating to definitions relative to the "Redevelopment Powers Law," by replacing "U.S. Bureau of the Census" with "United States Bureau of the Census" in the introductory language of paragraph (7) and by replacing "duly-adopted amendment" with "duly adopted amendment" in paragraph (10).

SECTION 37.

Reserved.

SECTION 38.

Reserved.

SECTION 39.

Reserved.

SECTION 40.

Title 40 of the Official Code of Georgia Annotated, relating to motor vehicles and traffic, is amended in:

(1) Code Section 40-1-1, relating to definitions regarding general provisions relative to identification and regulation of motor vehicles and traffic, by replacing "Code Section 46-7-85.1." with "Code Section 40-1-151." in paragraph (24.2).

(2) Code Section 40-1-57, relating to rules of the Public Service Commission, by replacing "under this Article" with "under this article".

(3) Code Section 40-1-100, relating to definitions regarding certification of motor carriers, by replacing "the Commissioner of the Department of Public Safety." with "the commissioner of public safety." in paragraph (3).

(4) Code Section 40-1-101, relating to regulatory compliance inspections, regulation of business, and requirements of motor carriers, by replacing "Title 34 of the Official Code of Georgia Annotated; and" with "Title 34; and" at the end of paragraph (3).

(5) Code Section 40-1-102, relating to certificate prerequisite to operation and minimum insurance requirement regarding motor carriers, by replacing "Commissioner of Revenue," with "state revenue commissioner," in subsection (b).

386 (6) Code Section 40-1-104, relating to revocation, alteration, or amendment of certificate,
387 suspension of certificate, and out-of-service orders, by replacing "the 'Georgia
388 Administrative Procedures Act.'" with "the 'Georgia Administrative Procedure Act.'" in
389 subsection (b).

390 (7) Code Section 40-1-129, relating to fines for violating certificate requirement and
391 advertising services without a certificate regarding motor carriers, by replacing "Code section
392 40-1-56." with "Code Section 40-1-56." in subsection (a).

393 (8) Code Section 40-1-151, relating to definitions regarding limousine carriers, by replacing
394 "paragraph (5) below." with "paragraph (5) of this Code section." at the end of paragraph (2).

395 (9) Code Section 40-1-157, relating to the validity of limousine certificates, by replacing
396 "cancelled" with "canceled".

397 (10) Code Section 40-2-8, relating to the operation of unregistered vehicle or vehicle without
398 current license plate, revalidation decal, or county decal, storage of unlicensed vehicle,
399 jurisdiction, display of temporary plate, revision and extension of temporary plate, and
400 disposition of fines, by replacing "issued without charge or fee therefore." with "issued
401 without charge or fee." in division (b)(2)(B)(i).

402 (11) Code Section 40-2-29, relating to registration and license plate requirement, license fee
403 to accompany application, temporary operating permit, and penalties, by replacing "provided
404 for in paragraph (1)" with "provided for in paragraph (.1)" in subsection (c).

405 (12) Code Section 40-2-60.1, relating to standardized administrative process for special
406 license plates, legislative findings, rules and regulations, definitions, utilization of funds,
407 designs, fees, application for special license plates, continued issuance of plates, and the
408 transfer of plates, by replacing "benefitted" with "benefited" in subsection (d).

409 (13) Code Section 40-2-85.1, relating to special and distinctive license plates for veterans,
410 by replacing "subsection (b) of this Code section" with "this subsection" in subparagraph
411 (b)(2)(B) and by replacing "United States, or recipients" with "United States, recipients" in
412 subsection (d).

413 (14) Code Section 40-2-86.1, relating to special license plates promoting certain beneficial
414 projects and supporting certain worthy agencies, funds, or nonprofit corporations including
415 plates to identify persons with diabetes, honor veterans of the armed services, and honor the
416 Georgia Association of Realtors, by replacing "the Federal Communication Commission."
417 with "the Federal Communications Commission." twice in paragraph (6) of subsection (l).

418 (15) Code Section 40-3-36, relating to cancellation of certificates of titles for scrap,
419 dismantled, or demolished vehicles or trailers, salvage certificate of title, administrative
420 enforcement, and removal of license plates, by replacing "worth \$850.00 or less, if the
421 vehicle" with "worth \$850.00 or less if the vehicle" in paragraph (2) of subsection (a).

422 (16) Code Section 40-6-22, relating to pedestrian-control signals, by deleting the dashes in
423 the internal catchlines of paragraphs (1) and (2).

424 (17) Code Section 40-6-248.1, relating to securing loads on vehicles, by replacing "Georgia
425 Department of Public Safety, or Georgia Board of Public Safety" with "Department of Public
426 Safety, or Board of Public Safety" in subsection (c).

427 **SECTION 41.**

428 Reserved.

429 **SECTION 42.**

430 Title 42 of the Official Code of Georgia Annotated, relating to penal institutions, is amended
431 in:

432 (1) Code Section 42-5-50, relating to the transmittal of information on convicted persons,
433 place of detention, payment for inmates not transferred to the custody of the department, and
434 notice in the event of convicted person free on bond pending appeal, by replacing "this Code
435 Section." with "this Code section." in paragraph (5) of subsection (a).

436 **SECTION 43.**

437 Title 43 of the Official Code of Georgia Annotated, relating to professions and businesses,
438 is amended in:

439 (1) Code Section 43-1A-4, relating to the Occupational Regulation Review Council, by
440 replacing "Comptroller General" with "comptroller general" in paragraph (1) of
441 subsection (b).

442 (2) Code Section 43-10A-13, relating to requirements for licensure in marriage and family
443 therapy, by replacing "Commission on Accreditation for Marriage and Family Therapy
444 education," with "Commission on Accreditation for Marriage and Family Therapy
445 Education," in subparagraph (a)(2)(C).

446 (3) Code Section 43-11-21.1, relating to general anesthesia regarding dentists, dental
447 hygienists, and dental assistants, by deleting the comma after "successor agency" in
448 subparagraph (b)(1)(A).

449 **SECTION 44.**

450 Title 44 of the Official Code of Georgia Annotated, relating to property, is amended in:

451 (1) Code Section 44-6-181, relating to application and determination of heirs property, by
452 replacing "subpart 1 or 2 of this part, the court" with "Subpart 1 or 2 of this part, the court"
453 in subsection (b).

454 (2) Code Section 44-13-100, relating to exemptions for purposes of bankruptcy and intestate
455 insolvent estates, by replacing "laws of the United States similar benefits" with "laws of the
456 United States, similar benefits" in subparagraph (a)(2.1)(C).

457 (3) Code Section 44-14-361.5, relating to liens of persons without privity of contract
458 regarding mechanics and materialmen, by replacing "Notice of Commencement" with "notice
459 of commencement" each time the term appears.

460 **SECTION 45.**

461 Title 45 of the Official Code of Georgia Annotated, relating to public officers and employees,
462 is amended in:

463 (1) Code Section 45-4-13, relating to approval, filing, and recording of official bonds of
464 court clerks, magistrates, sheriffs, coroners, surveyors, treasurers, and tax collectors, by
465 replacing "Comptroller General's" with "comptroller general's".

466 (2) Code Section 45-4-14, relating to time for filing official bonds, by replacing
467 "Comptroller General," with "comptroller general,".

468 (3) Code Section 45-7-28.1, which is reserved, by repealing said Code section.

469 (4) Code Section 45-8-19, relating to jurisdiction to cite defaulting officers, depositories,
470 sureties, for accounting and to issue execution, by replacing "Comptroller General." with
471 "comptroller general." in paragraph (4).

472 (5) Code Section 45-9-80, which is repealed, by designating said Code section as reserved.

473 (6) Code Section 45-9-81, relating to definitions regarding the Georgia State Indemnification
474 Fund for law enforcement officers, firemen, prison guards, and publicly employed
475 emergency medical technicians, by replacing "Georgia Forestry Commission" with "State
476 Forestry Commission" in subparagraph (B) of paragraph (5) and by replacing "commissioner
477 of juvenile justice of the Department of Juvenile Justice" with "commissioner of juvenile
478 justice" in paragraph (7).

479 (7) Code Section 45-9-101, relating to definitions regarding temporary disability
480 compensation program, by replacing "the Georgia Forestry Commission" with "the State
481 Forestry Commission" in subparagraph (C) of paragraph (3) and by replacing "the
482 commissioner of juvenile justice of the Department of Juvenile Justice" with "the
483 commissioner of juvenile justice" in paragraph (7).

484 (8) Code Section 45-12-21, relating to issuance of warrants for payments from the treasury,
485 by replacing "Comptroller General." with "comptroller general."

486 (9) Code Section 45-12-72, relating to establishment of the Office of Planning and Budget
487 and general provisions, by replacing "Comptroller General," with "comptroller general," in
488 subsection (d).

489 (10) Code Section 45-12-75.1, relating to zero-base budgeting, intent, and departmental
490 priority lists regarding management of budgetary and financial affairs under the Office of
491 Planning and Budget, by replacing "The Governor's Office of Planning and Budget" with
492 "the Office of Planning and Budget" three times and by replacing "entity" with "entities" in
493 subsection (b).

494 (11) Code Section 45-13-20, relating to duties of the Secretary of State generally, by
495 replacing "Comptroller General" with "comptroller general" in paragraph (14).

496 (12) Code Section 45-15-7, relating to discretion of Comptroller General as to requirement
497 of services of Attorney General or of district attorneys, by replacing "Comptroller General"
498 with "comptroller general".

499 (13) Code Section 45-18-51, relating to the creation of the Employee Benefit Plan Council,
500 membership, terms of office, and vacancies, compensation and expense reimbursement,
501 officers, executive secretary and staff support, meetings, adoption of procedures, and
502 promulgation of rules and regulations, by replacing "vice-chairperson" with "vice
503 chairperson" in subsection (c).

504 (14) Code Section 45-20-54, relating to disclosure of amounts or designations of authorized
505 charitable deductions, and pressure, coercion, or intimidation of employee with reference to
506 deductions, by replacing "with rules and regulations" with "with the rules and regulations"
507 in subsection (b).

508 (15) Code Section 45-23-8, relating to administrative procedures regarding a drug-free
509 public work force, by replacing "Code Section 45-20-2 and" with "Code Section 45-20-2,
510 and".

511 **SECTION 46.**

512 Title 46 of the Official Code of Georgia Annotated, relating to public utilities and public
513 transportation, is amended in:

514 (1) Code Section 46-5-221, relating to definitions regarding the "Competitive Emerging
515 Communications Technologies Act of 2006," by replacing "real time" with "real-time" in
516 paragraph (2).

517 (2) Chapter 6, which is repealed, by designating said chapter as reserved.

518 **SECTION 47.**

519 Reserved.

520 **SECTION 48.**

521 Title 48 of the Official Code of Georgia Annotated, relating to revenue and taxation, is
522 amended in:

523 (1) Code Section 48-2-18, relating to the State Board of Equalization and duties, by
 524 repealing subsection (g), which refers to an obsolete entity.

525 (2) Code Section 48-5-7.4, relating to bona fide conservation use property, residential
 526 transitional property, application procedures, penalties for breach of covenant, classification
 527 on tax digest, and annual report, by replacing "10 acres" with "ten acres" in paragraph (2) of
 528 subsection (b), by replacing "the Georgia Forestry Commission," with "the State Forestry
 529 Commission," in subsection (s), and by replacing "this Chapter." with "this chapter." in
 530 subsection (z).

531 (3) Code Section 48-5-7.6, relating to "Brownfield property" defined, related definitions,
 532 qualifying for preferential assessment, disqualification of property receiving preferential
 533 assessment, responsibilities of property owners, transfers of property, costs, appeals, penalty
 534 and creation of lien against property, and extension of preferential assessment of brownfield
 535 property under certain circumstances, by deleting "and" at the end of subparagraphs (a)(1)(A)
 536 and (a)(1)(B); by replacing "subsection (j) below." with "subsection (j) of this Code section."
 537 in subparagraph (a)(1)(D); by replacing "the 'Hazardous Sites Reuse and Redevelopment
 538 Act,'" with "the 'Georgia Hazardous Site Reuse and Redevelopment Act,'" in paragraph (3)
 539 of subsection (a), subparagraphs (a)(4)(A), (a)(4)(B), and (a)(4)(F), and subsection (j); by
 540 replacing "subsection (e) below." with "subsection (e) of this Code section." in paragraph (7)
 541 of subsection (a); by replacing "Code section 36-62-5.1 or" with "Code section 36-62-5.1,
 542 or" in subparagraph (e)(1)(B); by deleting "or" at the end of subparagraph (e)(1)(C); by
 543 replacing "subparagraph (C) of this subsection," with "subparagraph (C) of paragraph (1) of
 544 this subsection," in paragraph (2) of subsection (e); by inserting "and" at the end of
 545 subparagraph (f)(1)(D); by replacing "under this subsection" with "under this Code section"
 546 in subsection (m); and by revising subsection (h) as follows:

547 "(h)(1) A qualified brownfield property may be subdivided into smaller parcels and
 548 continue to receive preferential tax treatment if:

549 ~~(1)(A)~~ All of the requirements of subsection (g) ~~above~~ of this Code section are met;
 550 and

551 ~~(2)(B)~~ The transferee and transferor agree and jointly submit to the local taxing
 552 authority a sworn affidavit stating the eligible brownfield costs being transferred to the
 553 subdivided property, to wit:

554 ~~(A)(i)~~ A transferor's report to the local taxing authority shall include:

555 ~~(i)(I)~~ The total certified eligible brownfield costs for the qualified brownfield
 556 property;

557 ~~(ii)(II)~~ The tax savings realized to date;

558 ~~(iii)(III)~~ The eligible brownfield costs being transferred;

~~(iv)~~(IV) The number of years of preferential tax treatment pursuant to this Code section has been received;

~~(v)~~(V) The eligible brownfield costs remaining; and

~~(vi)~~(VI) A request to establish the taxable base of the transferred property and reestablish the taxable base for the retained property pursuant to paragraph ~~(3)~~ below: (2) of this subsection;

~~(B)~~(ii) Failure to file a sworn affidavit with one local taxing authority shall not affect any sworn affidavit submitted to any other local taxing authority;

~~(C)~~(iii) A transferee's first report to the local taxing authority shall include:

~~(i)~~(I) A statement of the amount of the transferred eligible brownfield costs;

~~(ii)~~(II) The number of years of preferential tax treatment the property received prior to transfer (carry over from transferor); and

~~(iii)~~(II) A request to establish a taxable base for the property pursuant to paragraph ~~(3)~~ below: (2) of this subsection; and

~~(D)~~(iv) Subsequent reports made by a transferee shall include the same information provided by property owners in paragraph (1) of subsection (f) of this Code section.

~~(3)~~(2) The taxable base for the subdivided property shall be established by the local taxing authority based on the ratio of acres purchased to total acres at the time of the establishment of the taxable base for the entire qualified brownfield property. Such ~~Said~~ ratio shall be applied to the taxable base as recorded in the county tax digest at the time the application was received by the Environmental Protection Division for participation in the Georgia Hazardous Site Reuse and Redevelopment Program. The taxable base on the retained qualified brownfield property shall be decreased by the amount of taxable base assigned to the subdivided portion of the property.

~~(4)~~(3) The subdivision of property shall not restart, reset, or otherwise lengthen the period of preferential tax treatment pursuant to this Code section."

(4) Code Section 48-5-100.1, which is reserved, by designating said Code section as repealed.

(5) Code Section 48-5C-1, relating to definitions, exemption from taxation, allocation and disbursement of proceeds collected by tag agents, fair market value of vehicle appealable, and report regarding the fair market value of motor vehicles, by replacing "paragraph (92)" with "paragraph (95)" in subparagraph (b)(1)(A), by replacing "10 days" with "ten days" in subparagraph (b)(1)(E), and by replacing "of Title 48" with "of this title" each time the term appears throughout said Code section.

(6) Code Section 48-7-6, relating to license or registration extensions for National Guard members and reservists on active duty, by replacing "national guard" with "National Guard" in subsections (a) and (b).

596 (7) Code Section 48-7-27, relating to the computation of taxable net income, by replacing
 597 the period with a semicolon at the end of subparagraph (a)(12)(B) and at the end of
 598 division (a)(12.1)(B)(iv).

599 (8) Code Section 48-7-28.4, relating to adjustments to taxes, disallowing expenses paid to
 600 certain real estate investment trusts, and procedures, conditions, and limitations, by revising
 601 paragraphs (1) and (2) of subsection (a), subsection (c), and subparagraph (e)(1)(A) as
 602 follows:

603 "(1) 'Association taxable as a corporation', ~~for purposes of paragraph (2) of this subsection,~~
 604 does not include:

605 (A) A real estate investment trust ~~as defined in this Code section~~, other than a 'captive
 606 real estate investment trust';

607 (B) Any qualified real estate investment trust subsidiary under Section 856(i) of the
 608 Internal Revenue Code of 1986, as amended, other than a qualified REIT subsidiary of
 609 a 'captive real estate investment trust';

610 (C) Any Listed Australian Property Trust, meaning an Australian unit trust registered
 611 as a 'Managed Investment Scheme' under the Australian Corporations Act in which the
 612 principal class of units is listed on a recognized stock exchange in Australia and is
 613 regularly traded on an established securities market, or an entity organized as a trust,
 614 provided that a Listed Australian Property Trust owns or controls, directly or indirectly,
 615 75 percent or more of the voting power or value of the beneficial interests or shares of
 616 such trust; or

617 (D) Any qualified foreign entity, meaning a corporation, trust, association or
 618 partnership organized outside the laws of the United States and which satisfies the
 619 following criteria:

620 (i) At least 75 percent of the entity's total asset value at the close of its taxable year
 621 is represented by real estate assets, as defined at Section 856(c)(5)(B) of the Internal
 622 Revenue Code of 1986, as amended, thereby including shares or certificates of
 623 beneficial interest in any real estate investment trust, cash and cash equivalents, and
 624 ~~U.S. Government~~ United States government securities;

625 (ii) The entity is not subject to tax on amounts distributed to its beneficial owners,
 626 or is exempt from entity-level taxation;

627 (iii) The entity distributes at least 85 percent of its taxable income, as computed in
 628 the jurisdiction in which it is organized, to the holders of its shares or certificates of
 629 beneficial interest on an annual basis;

630 (iv) Not more than 10 percent of the voting power or value in such entity is held
 631 directly or indirectly or constructively by a single entity or individual, or the shares

or beneficial interests of such entity are regularly traded on an established securities market; and

(v) The entity is organized in a country which has a tax treaty with the United States.

(2) 'Captive real estate investment trust' means any real estate investment trust the shares or beneficial interests of which are not regularly traded on an established securities market; and more than 50 percent of the voting power or value of the shares or beneficial interests ~~or shares~~ of which are owned or controlled, directly or indirectly; or constructively, by a single entity that is:

(A) Treated as an association taxable as a corporation under the Internal Revenue Code of 1986, as amended; and

(B) Not exempt from federal income tax pursuant to the provisions of Section 501(a) of the Internal Revenue Code of 1986, as amended."

"(c) The amount of the adjustment required by subsection (b) of this Code section shall be reduced, but not below zero, to the extent the corresponding expenses and costs received as income by the captive real estate investment trust are reduced by expenses paid, accrued, or incurred to persons that are not related members, and such expenses shall be allowed in computing the captive real estate investment trust's federal taxable income."

~~"(A) 'Allocated or apportioned, or both' does not mean the amount of income that is subject to allocation or apportionment, or both. Rather it means the amount of income~~
~~that is arrived at after applying the allocation and apportionment rules of a state as defined in subparagraph (B) of this paragraph.~~ A tax or the portion of a tax, which is or would be imposed regardless of the amount of the income, shall not be considered to be a tax on or measured by the income of the captive real estate investment trust.
The term shall not mean the amount of income that is subject to allocation or apportionment, or both."

(9) Code Section 48-7-29.12, relating to tax credit for qualified donation of real property, carryover of credit, appraisals, transfer of credit, and penalty, by replacing "Code Section 48-7-20 or Code Section 48-7-21" with "Code Section 48-7-20 or 48-7-21" in paragraph (1) of subsection (b).

(10) Code Section 48-7-29.14, relating to income tax credit for clean energy property, by replacing "Georgia Forestry Commission" with "State Forestry Commission" twice in paragraph (2) of subsection (b) and by replacing "single family residential" with "single-family residential" in the introductory language of subparagraphs (b)(5)(A) and (b)(5)(B).

(11) Code Section 48-7-38, relating to deduction for payments to minority subcontractors and certification as a minority business enterprise regarding income tax imposition, rate, and

669 computation and exemptions, by replacing "minority contractor" with "minority
670 subcontractor" in paragraph (3) of subsection (b).

671 (12) Code Section 48-7-40.1, relating to tax credits for business enterprises in less developed
672 areas, by replacing "the areas which are comprised of" with "the areas composed of" in the
673 introductory language of subsection (b) and by replacing "area comprised of" with "area
674 composed of" in paragraphs (1), (2), and (3) of subsection (c).

675 (13) Code Section 48-7-40.15A, relating to additional job tax credit based on increase in port
676 traffic and conditions and limitations, by replacing "tier two or tier three county" with "tier
677 2 or tier 3 county" in paragraph (2) of subsection (a), by replacing "8 retail stores" with "eight
678 retail stores" in subparagraph (a)(2)(C), by replacing "Code Sections 48-7-40 and 48-7-40.2
679 or 48-7-40.7" with "Code Sections 48-7-40 and 48-7-40.2 or Code Section 48-7-40.7" in the
680 introductory paragraph of paragraph (2) of subsection (d), and by replacing "was
681 determined;" with "were determined;" in subparagraph (d)(2)(A).

682 (14) Code Section 48-7-40.21, relating to tax credits for existing business enterprises
683 undergoing qualified business expansion, recapture, and application of credit, by replacing
684 "516, Internet publishing and broadcasting;" with "519, Internet publishing and
685 broadcasting;" in paragraph (1) of subsection (a).

686 (15) Code Section 48-7-40.22, relating to credit to business enterprises for leased motor
687 vehicles, daily ridership, and implementation, by replacing "516, Internet publishing and
688 broadcasting;" with "519, Internet publishing and broadcasting;" in paragraph (1) of
689 subsection (a).

690 (16) Code Section 48-7-40.24, relating to the conditions for taking a job tax credit by
691 business enterprises and calculating credit, by replacing "this Code Section," with "this Code
692 section," in subsection (n).

693 (17) Code Section 48-7-40.26, relating to tax credit for film, video, or digital production in
694 state, by replacing "Article 5 of Chapter 7 and the commissioner" with "Article 5 of
695 Chapter 7 of this title and the commissioner" in the last sentence of paragraph (5) of
696 subsection (b) and by replacing "evaluated by the Georgia Department of Economic
697 Development" with "evaluated by the Department of Economic Development" in
698 subparagraph (c)(2)(A).

699 (18) Code Section 48-7-40.29, relating to income tax credits for certain qualified equipment
700 that reduces business or domestic energy or water usage, by replacing "commissioner of
701 natural resources, may take" with "commissioner of natural resources may take" in
702 subsection (b) and by replacing "under this Code section." with "under this Code section;"
703 at the end of paragraph (1) of subsection (d).

704 (19) Code Section 48-7-40.30, relating to an income tax credit for certain qualified
705 investments for a limited period of time, by replacing "benefitted" with "benefited" in

subparagraph (b)(6)(C) and by replacing "to engage as one of its primary purposes such activity." with "to engage in such activity as one of its primary purposes." in the undesignated text at the end of paragraph (6).

(20) Code Section 48-8-2, relating to definitions relative to state sales and use tax, by replacing "'Alcoholic Beverages'" with "'Alcoholic beverages'" in paragraph (1); by redesignating current paragraph (26) as new paragraph (28.1) and reserving the paragraph (26) designation so as to put definitions in alphabetical order; by replacing "form, code or protocol of the content for purposes of transmission, conveyance or routing" with "form, code, or protocol of the content for purposes of transmission, conveyance, or routing" in the introductory language of paragraph (39); by replacing "transmission, conveyance and routing" with "transmission, conveyance, and routing", "47 USC 522(6)" with "47 U.S.C. Section 522(6)", and "47 CFR 20.3;" with "47 C.F.R. Section 20.3;" in subparagraph (G) of paragraph (39); by deleting the quotation marks around "telecommunications service" in paragraph (5), "dealer" in subparagraph (N) of paragraph (8), "food and food ingredients,", "dietary supplements,", and "alcoholic beverages" in paragraph (14), "mobility enhancing equipment," in paragraph (15), "durable medical equipment," in paragraph (20), "telecommunications services," in paragraph (22), "telecommunications service", "mobile wireless service", "delivered electronically,", and "ancillary services," in paragraph (25), and "telecommunications service" in paragraph (38); and by revising paragraphs (2) and (3) as follows:

"(2) 'Ancillary services' means services that are associated with or incidental to the provision of 'telecommunications services,' including but not limited to 'detailed telecommunications billing service,' 'directory assistance,' 'vertical service,' and 'voice mail services.'

(3)(A) 'Bundled transaction' means the retail sale of two or more products, except real property and services to real property, where the products are otherwise distinct and identifiable and the products are sold for one nonitemized price. A 'bundled transaction' does not include the sale of any products in which the 'sales price' varies, or is negotiable, based on the selection by the purchaser of the products included in the transaction.

~~(A)(B)~~ As used in this paragraph, the term 'distinct and identifiable products' ~~'Distinct and identifiable products'~~ shall not include:

(i) Packaging such as containers, boxes, sacks, bags, and bottles or other materials such as wrapping, labels, tags, and instruction guides, that accompanies the 'retail sale' of the products and are incidental or immaterial to the 'retail sale' thereof. Examples of packaging that are incidental or immaterial include grocery sacks, shoe boxes, dry cleaning garment bags, and express delivery envelopes and boxes::

(ii) A product provided free of charge with the required purchase of another product. A product is 'provided free of charge' if the 'sales price' of the product purchased does not vary depending on the inclusion of the product 'provided free of charge'; or

(iii) Items included in the 'sales price.'

~~(B)~~(C) As used in this paragraph, the term 'one nonitemized price' shall not include a price that is separately identified by product on binding sales or other supporting sales related documentation made available to the customer in paper or electronic form including, but not limited to, an invoice, bill of sale, receipt, contract, service agreement, lease agreement, periodic notice of rates and services, rate card, or price list.

~~(C)~~(D) A transaction that otherwise meets the definition of a 'bundled transaction' as defined above, is not as provided under this paragraph shall not be a 'bundled transaction' if it such transaction is:

(i) The 'retail sale' of tangible personal property and a service where the tangible personal property is essential to the use of the service, ~~and~~ is provided exclusively in connection with the service, and the true object of the transaction is the service;

(ii) The 'retail sale' of services where one service is provided that is essential to the use or receipt of a second service, ~~and~~ the first service is provided exclusively in connection with the second service, and the true object of the transaction is the second service;

(iii)(I) A transaction that includes taxable products and nontaxable products and the 'purchase price' or 'sales price' of the taxable products is de minimis. As used in this subparagraph, the term; 'de minimis' means the seller's 'purchase price' or 'sales price' of the taxable product is 10 percent or less of the total 'purchase price' or 'sales price' of the bundled products.

(II) Sellers shall use either the 'purchase price' or the 'sales price' of the products to determine if the taxable products are de minimis. Sellers may not use a combination of the 'purchase price' and 'sales price' of the products to determine if the taxable products are de minimis.

(III) Sellers shall use the full term of a service contract to determine if the taxable products are de minimis; or

(iv) The 'retail sale' of exempt tangible personal property and taxable tangible personal property where:

(I) The transaction includes 'food and food ingredients,' 'drugs,' 'durable medical equipment,' 'mobility enhancing equipment,' 'over-the-counter drugs,' or 'prosthetic devices'; and

(II) The seller's 'purchase price' or 'sales price' of the taxable tangible personal property is 50 percent or less of the total 'purchase price' or 'sales price' of the

780 bundled tangible personal property. Sellers may not use a combination of the
781 'purchase price' and 'sales price' of the tangible personal property when making the
782 50 percent determination for a transaction."

783 (21) Code Section 48-8-3, relating to exemptions regarding sales and use tax, by replacing
784 "Act of 1965; by or pursuant to" with "Act of 1965; or by or pursuant to" in
785 division (57)(D)(ii), by replacing "which are used" with "which is used" in subparagraph (A)
786 of paragraph (57.2) and subparagraph (A) of paragraph (57.3), by replacing "May 5, 2004
787 until" with "May 5, 2004, until" in subparagraph (A) of paragraph (78), by replacing "May
788 17, 2004 until" with "May 17, 2004, until" in subparagraph (A) of paragraph (80), and by
789 designating currently repealed paragraph (85) as reserved.

790 (22) Code Section 48-8-30, relating to imposition of tax, rate, and collection regarding state
791 sales and use tax, by replacing "is a dealer, as defined in Code Section 48-8-2 and" with "is
792 a dealer, as defined in Code Section 48-8-2, and" in paragraph (1) of subsection (c.1) and
793 twice in paragraph (1) of subsection (e.1).

794 (23) Code Section 48-8-69, relating to purchases from printed catalogs and local jurisdiction
795 boundary changes in regard to the imposition, rate, collection, and assessment of state sales
796 and use tax, by replacing "catalogs" with "catalogues" and "catalog" with "catalogue" in
797 subsection (a).

798 (24) Code Section 48-8-70, relating to determination of ZIP Code designation applicable to
799 particular purchases and rebuttable presumption of seller's due diligence, by replacing "ZIP
800 code" with "ZIP Code" each time the term appears and by replacing "nine digit" with
801 "nine-digit".

802 (25) Code Section 48-8-72, relating to over-collected state sales or use tax, by replacing
803 "business practice, if in the" with "business practice if, in the" in subsection (b).

804 (26) Code Section 48-8-77, relating to sourcing, definitions, sales of "advertising and
805 promotional direct mail" and "other direct mail" and sales of telecommunication service, by
806 deleting the quotation marks around "advertising and promotional direct mail" each time the
807 term appears in subsection (d) except in subparagraph (d)(3)(A); by deleting the quotation
808 marks around "direct mail" each time the term appears in subsection (d); by deleting the
809 quotation marks around "other direct mail" each time the term appears in subsection (d)
810 except in subparagraph (d)(3)(B); by replacing "obligations to collect, pay or remit any tax
811 on any transaction involving 'other direct mail' to which the permit, certificate, or statement
812 apply." with "obligations to collect, pay, or remit any tax on any transaction involving other
813 direct mail to which the permit, certificate, or statement applies." in subparagraph (d)(2)(C);
814 by replacing "a product transferred electronically or a service." with "a product transferred
815 electronically, or a service." in division (d)(3)(A)(ii); by deleting the quotation marks around
816 "bundled transaction" in subparagraph (d)(4)(B); by replacing the comma with a semicolon

817 at the end of division (d)(4)(C)(i); by replacing "telecommunication services" and
818 "telecommunication service" with "telecommunications service" each time the terms appear
819 in subsection (e); by replacing "call-by-call basis, is sourced" with "call-by-call basis shall
820 be sourced" in paragraph (2) of subsection (e); and by replacing "of this Code Section" with
821 "of this Code section" in paragraph (3) of subsection (e).

822 (27) Code Section 48-8-89.1, relating to the procedure for certifying additional qualified
823 municipalities, issuance of new distribution certificate, and cessation of authority to collect
824 tax ceases upon failure to file new certificate, by replacing "district is located each" with
825 "district is located, each" in the introductory language of paragraph (4) of subsection (f).

826 (28) Code Section 48-8-90, relating to crediting of tax paid by purchaser in another tax
827 jurisdiction, payment of difference between lesser similar tax payment and tax imposed by
828 article, proof of payment, and limitation on credit, by replacing "coterminous" with
829 "conterminous" in the last sentence.

830 (29) Code Section 48-8-111.1, relating to application of article to consolidated government
831 regarding county special purpose local option sales tax, by replacing "this article" with "this
832 part" in subsections (a), (b), and (d).

833 (30) Code Section 48-8-113, relating to administration and collection by state revenue
834 commissioner, application, and deduction to dealers, by replacing "this article" with "this
835 part".

836 (31) Code Section 48-8-114, relating to sales tax return requirements regarding county
837 special purpose local option sales tax, by replacing "this article" with "this part" each time
838 the term appears.

839 (32) Code Section 48-8-116, relating to tax credits regarding county special purpose local
840 option sales tax, by replacing "this article" with "this part" each time the term appears.

841 (33) Code Section 48-8-117, relating to inapplicability of tax to certain sales of tangible
842 personal property outside taxing county, by replacing "this article" with "this part" each time
843 the term appears.

844 (34) Code Section 48-8-118, relating to the definition of building and construction materials
845 and inapplicability of tax to certain sales or uses of building and construction materials, by
846 replacing "this article" with "this part" in subsection (b).

847 (35) Code Section 48-8-119, relating promulgation of rules and regulations by the state
848 revenue commissioner, by replacing "this article." with "this part."

849 (36) Code Section 48-8-161, relating to definitions relative to the "Uniform Sales and Use
850 Tax Administration Act," by replacing "seller registered" with "a seller registered" and "five
851 hundred million dollars," with "\$500 million," in paragraph (7) and by revising paragraph (8)
852 as follows:

853 "(8) 'Model 4 seller' means a seller that is not a 'Model 1 seller', a 'Model 2 seller', or a
854 'Model 3 seller.'"

855 (37) Code Section 48-8-241, relating to the creation of special districts and tax rates
856 regarding special district transportation sales and use tax, by replacing "coterminous" with
857 "conterminous" in subsection (a).

858 (38) Code Section 48-8-249, relating to the use of proceeds within special district
859 exclusively for projects on approved investment list and contracts, by replacing
860 "coterminous" with "conterminous" in subsection (e).

861 (39) Code Section 48-9-10.1, relating to refunds of sales and use taxes to credit card issuers,
862 by replacing "under Chapter 8 of Title 48," with "under Chapter 8 of this title," in
863 subsection (a), by deleting the quotation marks around "motor fuel" and "highway use" and
864 by replacing "tax-exempt entity," with "tax-exempt entity" in subsection (b), and by replacing
865 "registered with Internal Revenue Service" with "registered with the Internal Revenue
866 Service", "tax-exempt entity who" with "tax-exempt entity that", and "dealer to the
867 allowance" with "dealer for the allowance" in subsection (c).

868 (40) Code Section 48-11-4, relating to licensing of persons engaged in tobacco business,
869 initial and annual fees, suspension and revocation, registration and inspection of vending
870 machines, bond by distributor, jurisdiction, and licensing of promotional activities, by
871 replacing "or distributor's or dealer's license" with "distributor's, or dealer's license" in the
872 first sentence of subsection (c), by designating the introductory language of subsection (c)
873 as paragraph (1) of subsection (c), and by redesignating current paragraphs (1) through (3)
874 as new paragraphs (2) through (4) of subsection (c), respectively.

875 (41) Code Section 48-13-16, relating to excluded businesses or practitioners and other laws
876 on occupation taxes or registration fees of local governments not repealed, by deleting
877 "Georgia" twice in paragraph (1) of subsection (a).

878 (42) Code Section 48-13-51, relating to county and municipal levies on public
879 accommodations charges for promotion of tourism, conventions, and trade shows, by
880 replacing "this paragraph (3)", "this paragraph (3.1)", "this paragraph (3.2)", "this
881 paragraph (3.3)", "this paragraph (3.5)", "this paragraph (4)", "this paragraph (4.1)", "this
882 paragraph (4.2)", "this paragraph (4.3)", "this paragraph (4.4)", "this paragraph (4.5)", "this
883 paragraph (4.6)", "this paragraph (5)", and "this paragraph (5.1)" with "this paragraph" each
884 time those terms appear in subsection (a) and by replacing "this subsection (a)" with "this
885 subsection" in subparagraph (a)(5)(B).

886 (43) Code Section 48-17-1, relating to definitions regarding coin operated amusement
887 machines, by replacing "subparagraphs (A), (B), (C), and (D) of paragraph (d)(1) of Code
888 Section 16-12-35" with "subparagraphs (d)(1)(A) through (d)(1)(D) of Code Section
889 16-12-35" in paragraph (7.1) and by redesignating current paragraph (8) as new paragraph (9)

890 and by redesignating current paragraph (9) as new paragraph (8), arranging said paragraphs
891 in alphabetical order.

892 (44) Code Section 48-17-4, relating to the refusal to issue or renew license, revocation or
893 suspension, and hearing regarding coin operated amusement machines, by replacing "A
894 licensee or applicant that allows" with "A licensee or applicant allows" in the introductory
895 language of paragraph (4) of subsection (c).

896 **SECTION 49.**

897 Title 49 of the Official Code of Georgia Annotated, relating to social services, is amended
898 in:

899 (1) Code Section 49-4-152.2, relating to rebates for sole-source and multiple-source drugs
900 included in the Controlled Medical Assistance Drug List, by replacing "coterminous" with
901 "conterminous" in subsection (b).

902 (2) Code Section 49-4-168, relating to definitions regarding the "State False Medicaid
903 Claims Act," by replacing "requires no proof" with "require no proof" and "means that a
904 person" with "mean that a person" in the introductory language of paragraph (2).

905 (3) Code Section 49-4-168.2, relating to the role of the Attorney General in pursuing cases,
906 civil actions by private persons, special procedures for civil actions by private persons,
907 limitation on participation by private person, stay of discovery, and receipt of proceeds from
908 civil judgment by private person and Indigent Care Trust Fund, by replacing "the Georgia
909 Department of Community Health," with "the Department of Community Health," in
910 paragraphs (1) and (2) of subsection (i).

911 (4) Code Section 49-4A-8, relating to commitment of delinquent or unruly children,
912 procedure, cost, return of mentally ill or retarded children, escapees, discharge, evidence of
913 commitment, records, and restitution, by replacing "Records as may be maintained" with
914 "Records maintained" in paragraph (2) of subsection (d), by replacing "As long as a good
915 faith attempt" with "So long as a good faith attempt" in paragraphs (2) and (4) of
916 subsection (e.1), and by replacing "to serve criminal process, upon a written request" with
917 "to serve criminal process upon a written request" and "the written request mentioned above
918 must" with "such written request must" in paragraph (1) of subsection (i).

919 (5) Code Section 49-5-1, relating to the "Children and Youth Act," by replacing "The short
920 title of this article shall be the 'Children and Youth Act.'" with "This article shall be known
921 and may be cited as the 'Children and Youth Act.'"

922 (6) Code Section 49-5-60, relating to definitions regarding employees' records checks for
923 day-care centers, by replacing "relating to criminal attempt when the crime" with "relating
924 to criminal attempt, when the crime" in paragraph (3).

925 (7) Code Section 49-5-110, relating to definitions regarding records checks for persons
926 supervising children, by replacing "relating to criminal attempt as it concerns" with "relating
927 to criminal attempt, as it concerns" in paragraph (2).

928 (8) Code Section 49-5-130, relating to legislative findings and intent regarding the
929 Governor's Office for Children and Families, by replacing "preventative" with "preventive"
930 in paragraph (3).

931 (9) Code Section 49-5-132, relating to the establishment of the Governor's Office for
932 Children and Families, funding, and duties and responsibilities, by replacing "Governor's
933 Office of Planning and Budget" with "Office of Planning and Budget" in subsection (a).

934 (10) Code Section 49-6-62, relating to the establishment of community care unit, provision
935 of services, annual service plan, implementation plan, annual progress report, fees and
936 contributions, and funding regarding community care and services for the elderly, by
937 replacing "House Health and Human Services Committee," with "House Committee on
938 Health and Human Services," in subsection (g).

939 (11) Code Section 49-6-72, relating to definitions regarding the "Georgia Family Caregiver
940 Support Act," by replacing "a person 18 years or older" with "a person 18 years of age or
941 older" in paragraph (1).

942 (12) Code Section 49-9-4, relating to the creation of the Georgia Vocational Rehabilitation
943 Agency and function, by replacing "public or private source, shall" with "public or private
944 source shall" in subsection (d) and by replacing "transferred employees, the compensation"
945 with "transferred employees; the compensation" in subsection (g).

946 (13) Code Section 49-9-5, relating to provision of services to persons with disabilities, by
947 replacing "under the Randolph-Sheppard Act (20 U.S. Code, Section 107b)(49 Stat. 1559)"
948 with "under the Randolph-Sheppard Act, 20 U.S.C. Section 107(b)," in subparagraph (C) of
949 paragraph (4).

950 **SECTION 50.**

951 Title 50 of the Official Code of Georgia Annotated, relating to state government, is amended
952 in:

953 (1) Code Section 50-5-58, relating to cases where purchases through the Department of
954 Administrative Services not mandatory, by replacing "of this clause" with "of this paragraph"
955 in paragraph (2) of subsection (a) and by replacing "to report same" with "to report the same"
956 in subsection (b).

957 (2) Code Section 50-5-133, relating to fraud in certification process, penalty, and effect of
958 multiple violations regarding minority business enterprise development, by replacing "obtain
959 or retain, certification" with "obtain or retain certification" in paragraph (1) of subsection (a)

960 and by replacing "attempting to obtain, public moneys" with "attempting to obtain public
961 moneys" in paragraph (4) of subsection (a).

962 (3) Code Section 50-5-135, relating to the creation of the State Use Council, membership,
963 terms, appointments, compensation, and existence, by replacing "the eleven members" with
964 "the 11 members" in subsection (b).

965 (4) Code Section 50-5-136, relating to the powers and authority of the State Use Council,
966 by replacing "in all cases, however, they" with "in all cases; however, they" in paragraph (1)
967 of subsection (b).

968 (5) Code Section 50-5A-7, relating to duties of the Office of the State Treasurer generally
969 and investments through the treasurer, by replacing "Comptroller General" with "comptroller
970 general" and "Comptroller General's" with "comptroller general's" in paragraph (1) of
971 subsection (a).

972 (6) Code Section 50-5B-20, relating to the office of the Comptroller General and duties, by
973 replacing "Comptroller General" with "comptroller general" each time the term appears.

974 (7) Code Section 50-5B-21, relating to the deputy comptroller general, by replacing
975 "Comptroller General" with "comptroller general" each time the term appears.

976 (8) Code Section 50-5B-22, relating to a bound book detailing annual appropriations, by
977 replacing "Comptroller General" with "comptroller general".

978 (9) Code Section 50-5B-23, relating to annual reporting by the Comptroller General, by
979 replacing "Comptroller General" with "comptroller general".

980 (10) Code Section 50-5B-24, relating to the official seal of the Comptroller General, by
981 replacing "Comptroller General" with "comptroller general".

982 (11) Code Section 50-6-20, relating to the state auditor's salary, expenses, duties, and bond,
983 by replacing "Comptroller General," with "comptroller general,".

984 (12) Code Section 50-13A-16, relating to small claims division established, jurisdiction,
985 representation, hearings, and finality of decisions regarding tax tribunals, by replacing
986 "pursuant to the Code Section 50-13A-9," with "pursuant to Code Section 50-13A-9," in
987 subsection (c).

988 (13) Code Section 50-16-3.1, relating to state authorities prohibited from selling real
989 property and exceptions, by deleting paragraph (1) which has an obsolete reference to "The
990 Georgia Building Authority (Hospital) provided for in Article 2 of Chapter 7 of Title 31;"
991 and by redesignating current paragraphs (2) and (3) as new paragraphs (1) and (2),
992 respectively, in subsection (a).

993 (14) Code Section 50-17-21, relating to definitions regarding state financing and investment,
994 by deleting obsolete reference "Georgia Building Authority (Hospital)," in paragraph (9).

995 (15) Code Section 50-18-71, relating to the right of access, timing, fees, denial of requests,
996 and impact of electronic records regarding inspection of public records, by replacing
997 "pursuant to this paragraph" with "pursuant to this subsection" in subsection (d).

998 (16) Code Section 50-18-72, relating to when public disclosure is not required regarding
999 inspection of public records, by replacing "information of a proprietary nature, produced or
1000 collected" with "information of a proprietary nature produced or collected" in paragraph (35)
1001 of subsection (a).

1002 (17) Code Section 50-20-2, relating to definitions relative to nonprofit contractors, by
1003 replacing "Comptroller General" with "comptroller general" in paragraph (4).

1004 (18) Chapter 28, which is repealed, by designating said chapter as reserved.

1005 (19) Code Section 50-32-4, relating to membership, terms, appointment, expenses, removal,
1006 applicability of Chapter 10 of Title 45, meetings, voting, and assignment regarding the
1007 Georgia Regional Transportation Authority, by replacing "Governor of the State of Georgia"
1008 with "Governor" and "to the contrary notwithstanding; except" with "to the contrary
1009 notwithstanding, except" in subsection (a) and by replacing "as prescribed in the bylaws, and
1010 such notice" with "as prescribed in the bylaws and such notice" in subsection (f).

1011 (20) Code Section 50-32-11, relating to powers of the Georgia Regional Transportation
1012 Authority generally, by replacing "of the authority and such state agencies" with "of the
1013 authority, and such state agencies" in paragraph (21) of subsection (a), by replacing "joint
1014 agencies thereof and such state agencies," with "joint agencies thereof, and such state
1015 agencies" and "act in conjunction, and to enter" with "act in conjunction and to enter" in
1016 paragraph (26), and by replacing "metropolitan planning organization, and is in compliance"
1017 with "metropolitan planning organization and is in compliance" in paragraph (38) of
1018 subsection (a).

1019 (21) Code Section 50-32-15, relating to the issuance of bonds regarding jurisdiction of the
1020 Georgia Regional Transportation Authority, by replacing "State Toll Road Authority," with
1021 "State Road and Tollway Authority," in subsection (c).

1022 (22) Chapter 33, which is repealed, by designating said chapter as reserved.

1023 **SECTION 51.**

1024 Reserved.

1025 **SECTION 52.**

1026 Reserved.

1027 **SECTION 53.**

1028 Reserved.

SECTION 54.

(a) Except for Title 47, the text of Code sections and title, chapter, article, part, subpart, Code section, subsection, paragraph, subparagraph, division, and subdivision numbers and designations as contained in the Official Code of Georgia Annotated published under authority of the state by The Michie Company in 1982 and contained in Volumes 3 through 40 of such publication or replacement volumes thereto, as amended by the text and numbering of Code sections as contained in the 2012 supplements to the Official Code of Georgia Annotated published under authority of the state in 2012 by LEXIS Publishing, are reenacted, and such text, numbers, and designations shall have the effect of statutes enacted by the General Assembly of Georgia except as otherwise provided by subsection (b) of this section and subsection (c) of Code Section 28-9-5.

(b) Annotations; editorial notes; Code Revision Commission notes; research references; notes on law review articles; opinions of the Attorney General of Georgia; indexes; analyses; title, chapter, article, part, and subpart captions or headings, except as otherwise provided in the Code; catchlines of Code sections or portions thereof, except as otherwise provided in the Code; and rules and regulations of state agencies, departments, boards, commissions, or other entities which are contained in the Official Code of Georgia Annotated are not enacted as statutes by the provisions of this Act. Material which has been added in brackets or parentheses and editorial, delayed effective date, effect of amendment, or other similar notes within the text of a Code section by the editorial staff of the publisher in order to explain or to prevent a misapprehension concerning the contents of the Code section and which is explained in an editorial note is not enacted by the provisions of this section and shall not be considered a part of the Official Code of Georgia Annotated.

(c) The reenactment of the statutory portion of the Official Code of Georgia Annotated by subsection (a) of this section shall not affect, supersede, or repeal any Act of the General Assembly, or portion thereof, which is not contained in the Official Code of Georgia Annotated and which was not repealed by Code Section 1-1-10, specifically including those Acts which have not yet been included in the text of the Official Code of Georgia Annotated because of effective dates which extend beyond the effective date of the Code or the publication date of the Code or its supplements.

(d) For purposes of publishing volumes, replacement volumes, and supplements to the Official Code of Georgia Annotated pursuant to Chapter 9 of Title 28: legislation enacted at the same session of the General Assembly and amending the same statutory provision shall be considered in pari materia, and full effect shall be given to each if that is possible; Acts enacted during the same session shall be treated as conflicting with each other only to the extent that they cannot be given effect simultaneously; in the event of such a conflict, the latest enactment, as determined by the order in which bills became law with or without the

approval of the Governor, shall control to the extent of the conflict unless the latest enactment contains a provision expressly ceding control in such an event; and language carried forward unchanged in one amendatory Act shall not be read as conflicting with changed language contained in another Act passed during the same session.

(e) The provisions contained in Sections 1 through 53 of this Act and in the other Acts enacted at the 2013 regular session of the General Assembly of Georgia shall supersede the provisions of the Official Code of Georgia Annotated reenacted and ratified by subsection (a) of this section.

(f) In the event of a conflict between a provision in Sections 1 through 53 of this Act and a provision of another Act enacted at the 2013 regular session of the General Assembly, the provision of such other Act shall control over the conflicting provision in Sections 1 through 53 of this Act to the extent of the conflict.

SECTION 55.

This Act shall become effective upon its approval by the Governor or upon its becoming law without such approval; except that:

(1) The amendment made by paragraph (4) of Section 16 of this Act shall be effective July 1, 2013, through June 30, 2014;

(2) The amendment made by paragraph (5) of Section 16 of this Act shall become effective July 1, 2014;

(3) The amendment made by paragraph (4) of Section 26 of this Act shall become effective only when funds are specifically appropriated for purposes of Ga. L. 2007, p. 463, in an Appropriations Act making specific reference to such Act; and

(4) The amendment made by paragraph (18) of Section 48 of this Act shall become effective on January 1 of the year following the year in which federal funds are made available for the purpose of funding the credit provided by Ga. L. 2010, p. 1163, Section 1 and in which the state auditor certifies in writing to the commissioner of natural resources and the state revenue commissioner that such funds have been received, have been deposited in the general fund, and are available for purposes of Ga. L. 2010, p. 1163, Section 1.

SECTION 56.

All laws and parts of laws in conflict with this Act are repealed.